THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5695 OF 2006

DATED: 23-03-2006

BETWEEN

Someswara Saw Mill, Rep. by its Proprietor

Sri Samala Ashalu, S/o. Mallaiah,

R/o. Choppadandi (Village and Mandal),

Karimnagar District.

...PETITIONER

AND

The Divisional Forest Officer,

Karimnagar (West) Division,

Karimnagar.

...RESPONDENT

ORDER:

Petitioner-sawmill seeks a Writ of Mandamus to declare the action of the respondent in not granting the licence to open a new sawmill in terms of the Hon'ble Supreme Court of India directions in W.P.No.202 of 1995 dated 16.11.2002 as illegal and arbitrary.

Learned counsel for the petitioner submits that as the petitioner being a carpenter by profession and has enough experience for running a sawmill, he made an application on

25.11.2005 before the respondent to accord permission to establish and run a new sawmill in the name of Someswara Saw Mill and Timber Deport at Choppadandi Village and Mandal of Karimnagar District. But the respondent rejected the said application by impugned order No.5943/2005/S6 dated 20.01.2006 on the ground that the Supreme Court of India issued orders in W.P.No.202 of 1995 dated 16.11.2002.

As per the said judgment of the Supreme Court no State or Union Territory shall permit opening of new sawmill, veneer, plywood industry without the prior permission of the Central Empowered Committee.

It is the case of the petitioner that, no doubt, the respondent is not empowered to grant the licence without prior permission of the Central Empowered Committee but it is for the respondent to forward the said application to the Central Empowered Committee for necessary permission.

Having regard to the facts and circumstances of the case,
the respondent is directed to forward the application of the petitioner dated 25.11.2005 to the Central Empowered Committee for necessary permission within four weeks from the date of receipt of a copy of this order and in this regard if any information is required by the respondent, the petitioner shall furnish all the necessary particulars and data for forwarding the said application.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 23, 2006

DSK